

Appl. No. 10/786,567
Amdt. Dated March 31, 2006
Reply to Office Action of January 9, 2006

Attorney Docket No. 83388.0017
Customer No.: 26021

Amendments to the Drawings:

The attached sheets of drawings include changes to FIGS. 11(2) and 11(3).

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

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REMARKS

This application has been carefully reviewed in light of the Office Action dated January 9, 2006. Claims 1-8 and 11-13 remain in this application. Claim 1 is the independent claim. Claims 11-13 have been amended. It is believed that no new matter is involved in the amendments or arguments presented herein. Reconsideration and entrance of the amendment in the application are respectfully requested.

Interview Summary

Applicants thank the Examiner for the courtesy as the telephone interview conducted on January 20, 2006. As discussed during the telephone interview, Applicants respectfully submit that the earliest priority date of the present application (September 4, 2003) precedes the earliest priority date of the cited references and, as also discussed during the telephone interview, submit that the claims are in condition for allowance. Applicants summarize the points made during that telephone interview below.

Allowable Subject Matter

In the Office Action, Claims 2-8 were indicated to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner and formally recognizes the allowable subject matter of Claims 2-8.

Drawing Objections

The drawings were objected to for incorrectness. In response, FIGS. 11(2) and 11(3) have been corrected. Reconsideration and withdrawal of the above objections are respectfully requested.

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Non-Art-Based Rejections

Claims 11-13 were objected to for informalities. In response, these claims have been amended to remove informal language and provide proper antecedent basis for each claimed element.

Reconsideration and withdrawal of the above objections are respectfully requested.

Art-Based Rejections

Claim 1 was rejected under 35 USC §102(e) over US Patent App. Pub. No. 2004/0129978 (Hirai). Applicant respectfully traverses the rejections and submits that the claims herein are patentable in light of the arguments below.

The Claims are Patentable Over the Cited References

The present application claims priority to Japanese Patent Application JP 2003-312079, filed on September 4, 2003. To perfect this claim of priority, enclosed herewith is an English translation of the certified priority document (JP 2003-312079), together with a statement that the English translation of the certified copy is accurate, in accordance with MPEP 201.15.

In the Action, Claim 1 was rejected over Hirai (US 2004/0129978). However, Hirai was filed in the United States on December 19, 2003, which is later than the priority date of the present application. Even though Hirai claims earliest priority to JP 2002-376792, filed December 26, 2002, the publication date is mostly likely June 26, 2004 (approx. 18 months after filing), which is later than the priority date of the present application. Accordingly, Hirai is only entitled to an earliest priority date of the U.S. filing, which is December 19, 2003.

Since the earliest priority date of the present application (September 4, 2003) precedes the earliest priority date of Hirai (December 19, 2003), the rejections of Claim 1 under 35 USC 102(e) should be withdrawn.

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Accordingly, independent Claim 1, as originally filed, is believed to be in condition for allowance and such allowance is respectfully requested.

The remaining Claims 2-8 and 11-13 depend either directly or indirectly from independent Claim 1 and recite additional features of the invention which are neither disclosed nor fairly suggested by the applied references, and are also believed to be in condition for allowance and such allowance is respectfully requested.

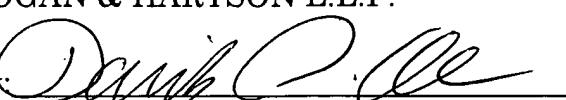
Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6809 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 

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Date: March 31, 2006

FIG. 11

